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IN THE UNITED STATES DISTRICT COURT

SEP 03 2013

FOR THE DISTRICT OF MONTANA

**CLERK, U.S. DISTRICT COURT
DISTRICT OF MONTANA
HELENA**

HELENA

DIVISION

(You must fill in this blank. See Instruction 7)

(Full name of Plaintiff and prisoner number, if any)

Darren Dee Goldsmith, sr
Plaintiff,

vs.

LEWIS & CLARK COUNTY, MONTANA,
LEO DUTTON, AND
BENEFIS SPECTRUM MEDICAL.

(Full name of each defendant as listed in the Parties section on page 5. Do not use et. al.)

Defendants.

COMPLAINT

Jury Trial Demanded

Jury Trial Not Demanded

INSTRUCTIONS

1. Use this form to file a civil complaint with the United States District Court for the District of Montana. Include only counts/causes of action and facts – not legal arguments or citations. You may attach additional pages where necessary. Your complaint must be typed or legibly handwritten in ink and on white paper. Write on only one side of the paper. Do not use highlighters and do not staple or otherwise bind your papers. All pleadings and other papers submitted for filing must be on 8 1/2" x 11" paper (letter size). You must sign the complaint (see page 8). Your signature need not be notarized but it must be an original and not a copy. The Clerk's Office cannot provide you copies of documents in your file without prepayment of \$0.10 per page (for documents electronically available) or \$0.50 (for documents not electronically available). Please keep a copy of the documents you send to the Court.
2. The filing fee for a complaint is \$350.00 plus a \$50.00 administrative fee for a total of \$400.00. This amount is set by Congress and cannot be changed by the Court. If you pay the filing fee, you will be responsible for serving the complaint on each defendant and any costs associated with such service.

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3. If you are unable to prepay the entire filing fee and service costs for this action, you may file a motion to proceed in forma pauperis. If you are a prisoner and your motion to proceed in forma pauperis is granted, the Court will assess an initial partial filing fee equal to 20% of the average monthly deposits to your prison account for the six months immediately preceding the filing of the action, or 20% of the average monthly balance in your prison account for the same six month period, whichever is greater. Thereafter, the balance of the \$350.00 filing fee will be collected in installments equal to 20% of your preceding month's income any time the amount in your account exceeds \$10.00. The \$50.00 administrative fee does not apply to persons granted *in forma pauperis* status. You will be required to continue making these payments even if you complaint is dismissed.
4. Complaints submitted by persons proceeding in forma pauperis and complaints submitted by prisoners suing a governmental entity or employee must be reviewed by the Court before the defendants are required to answer. See 28 U.S.C. §§ 1915(e)(2), 1915A(a); 42 U.S.C. § 1997e(c). The Court will dismiss your complaint before it is served on the defendants if: (1) your allegation of poverty is untrue; (2) the action is frivolous or malicious; (3) your complaint does not state a claim upon which relief may be granted; or (4) you sue a defendant for money damages and that defendant is immune from liability for money damages. After the Court completes the review process, you will receive an Order explaining the findings and any further action you may or must take. The review process may take a few months; each case receives the judge's individual attention. Plaintiffs should not serve defendants, pursue discovery, or request entry of default judgment prior to the completion of this review process.
5. Prisoners who have had three or more cases dismissed as frivolous, malicious, or failing to state a claim upon which relief may be granted (strikes) will not be permitted to file any further civil actions without prepaying the filing fee unless they are in imminent danger of serious harm. See 28 U.S.C. § 1915(g).
6. Prisoners may not maintain more than two civil actions in forma pauperis at one time, unless the prisoner shows that he or she is under imminent danger of serious physical injury.
7. The case caption (page 1 of this form) must indicate the proper Division for filing. The proper Division is where the alleged wrong(s) occurred. When you have completed your complaint, mail the *original* of your complaint and either the full filing fee or your motion to proceed in forma pauperis to the proper Division:

Billings Division: *Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Garfield, Golden Valley, McCone, Musselshell, Park, Petroleum, Powder River, Prairie, Richland, Rosebud, Stillwater, Sweetgrass, Treasure, Wheatland, Wibaux, and Yellowstone Counties*

**U.S. District Court Clerk, James F. Battin Courthouse,
2601 2nd Avenue North, Suite 1200, Billings, MT 59101**

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Butte Division: *Beaverhead, Deer Lodge, Gallatin, Madison, and Silver Bow Counties*
**U.S. District Court Clerk, Mike Mansfield Courthouse, 400 N. Main,
Butte, MT 59701**

Great Falls Division: *Blaine, Cascade, Chouteau, Daniels, Fergus, Glacier, Hill, Judith Basin,
Liberty, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole, and Valley
Counties (Crossroads Correctional Center is located in Toole County
and all claims arising at CCC should be filed in Great Falls)*
**U.S. District Court Clerk, Missouri River Courthouse, 125 Central Ave. West,
Great Falls, MT 59404**

Helena Division: *Broadwater, Jefferson, Lewis & Clark, Meagher, and Powell Counties*
**(Montana State Prison is located in Powell County and all claims
arising at MSP should be filed in Helena)**
**U.S. District Court Clerk, Paul G. Hatfield Courthouse, 901 Front St., Ste 2100,
Helena, MT 59626**

Missoula Division: *Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders
Counties*
**U.S. District Court Clerk, Russell Smith Courthouse, P.O. Box 8537,
Missoula, MT 59807**

COMPLAINT

I. PLACE OF CONFINEMENT

A. Are you incarcerated? Yes No (if No, go to Part II)

B. If yes, where are you currently incarcerated?

LEWIS AND CLARK COUNTY, MONTANA, DETENTION CENTER (JAIL)

C. If any of the incidents giving rise to your complaint occurred in a different
facility, list that facility:

N/A

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II. JURISDICTION

Jurisdiction is asserted under (CHECK ANY THAT APPLY):

28 U.S.C. § 1331 because it raises a civil rights claim against a state or local government employee or entity under 42 U.S.C. § 1983

28 U.S.C. § 1331 because it raises a claim against a federal employee under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971)

28 U.S.C. § 1332 (diversity) because all the defendants live in a different state than plaintiff

If you wish to assert jurisdiction claim under different statutes, list them below.

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

A. Non-Prisoners

1. Does any cause of action alleged in this complaint require you to exhaust administrative remedies before filing in court? Yes No Don't Know
2. If yes, have you exhausted your administrative remedies? Yes No

~~B.~~ B. Prisoners (If other institutions listed in I(C) above, answer for each institution).

1. Did you fully exhaust the administrative grievance process within the jail or prison where the incidents at issue occurred? Yes No

However, no grievance has been returned yet otherwise answered.

2. If you did not fully exhaust the grievance process, explain why:

N/A

(NOTE: Prisoners must exhaust their jail/prison's grievance process. Proper exhaustion requires compliance with the jail/prison's grievance deadlines and procedural rules.)

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IV. PARTIES TO CURRENT LAWSUIT

A. Plaintiff Darren Goldsmith is a citizen of MONTANA,
(State)

presently residing at 221 BRECKENRIDGE, HELENA, MT. 59601.
(Mailing address or place of confinement)

B. Defendant LEWIS & CLARK COUNTY,
MONTANA is a citizen of MONTANA,
(State)
employed as DISTRICT COURT
(Position and Title, if any) (Institution/Organization)

Defendant LEO DUTTON is a citizen of MONTANA,
(State)

employed as SHERIFF at LEWIS & CLARK COUNTY.
(Position and Title, if any) (Institution/Organization)

Defendant BENEFIS SPECTRUM MEDICAL, INC. is a citizen of MONTANA,
(State)
employed as MEDICAL PROVIDER/CONTRACTOR at LEWIS & CLARK COUNTY JAIL
(Position and Title, if any) (Institution/Organization)

*BENEFIS SPECTRUM MEDICAL, 2900 10TH AVE., S., GREAT FALLS, MT. 59405
Defendant _____ is a citizen of _____,
(State)

employed as _____ at _____.
(Position and Title, if any) (Institution/Organization)

Defendant _____ is a citizen of _____,
(State)

employed as _____ at _____.
(Position and Title, if any) (Institution/Organization)

Defendant _____ is a citizen of _____,
(State)

employed as _____ at _____.
(Position and Title, if any) (Institution/Organization)

(NOTE: If more space is needed to furnish the above information, continue on a blank sheet
labeled "APPENDIX A: PARTIES").

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V. STATEMENT OF CLAIMS

A. Count I (State your cause of action, e.g., what constitutional rights have been violated):

*SEE APPENDIX B., ATTACHED,
"V. STATEMENT OF CLAIMS."*

Date of incident(s):

1. Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. Describe what happened without citing legal arguments, cases, or statutes).

SEE APPENDIX B., "1. SUPPORTING FACTS."

2. Defendants Involved: (List the name of each defendant involved in this claim and specifically describe what each defendant did or did not do to allegedly cause your injury).

SEE APPENDIX B., "2. DEFENDANTS INVOLVED."

(NOTE: For each additional claim, use a blank sheet labeled "APPENDIX B. STATEMENT OF CLAIMS." You must set forth two paragraphs for each count, one consisting of Supporting Facts (following the directions under V(A)(1)), and one consisting of Defendants Involved (following the directions under V(A)(2)).

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APPENDIX B.V. STATEMENT OF CLAIMS

COUNT I: 8TH AMENDMENT, "EXCESSIVE BAIL SHALL NOT BE REQUIRED... NOR CRUEL AND UNUSUAL PUNISHMENTS INFILCTED.";
9TH AMENDMENT - IN ITS ENTIRETY; } See: COUNT II *
14TH AMENDMENT, SECTION 1, "... NOR TO DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS.";

ARTICLE IV, SECTION 2., "THE CITIZENS OF EACH STATE SHALL BE ENTITLED TO ALL PRIVILEGES AND IMMUNITIES OF CITIZENS OF THE SEVERAL STATES.;"

ARTICLE VI, PARAGRAPH 2, "THIS CONSTITUTION... SHALL BE THE SUPREME LAW OF THE LAND; AND THE JUDGES IN EVERY STATE SHALL BE BOUND THEREBY, ANY THING IN THE CONSTITUTION OR LAWS OF ANY STATE TO THE CONTRARY NOTWITHSTANDING.;" AND

ARTICLE VI, PARAGRAPH 3, "... ALL EXECUTIVE AND JUDICIAL OFFICERS, BOTH OF THE UNITED STATES AND OF THE SEVERAL STATES, SHALL BE BOUND BY OATH OR AFFIRMATION, TO SUPPORT THIS CONSTITUTION;"

1. SUPPORTING FACTS: SINCE 1 JULY 2013 LEWIS AND CLARK COUNTY HAS IMPOSED AN EXCESSIVE BAIL, CONSIDERING PLAINTIFF'S CIRCUMSTANCE, THIS RESULTING IN THE AFORE MENTIONED CONSTITUTIONAL, CIVIL, AND HUMAN RIGHTS VIOLATIONS.

- a. PLAINTIFF SUSTAINED A PENETRATIVE TRAUMATIC BRAIN INJURY, (T.B.I), WHILE LIVING/WORKING IN EUROPE IN THE FORMER YUGOSLAVIAN REPUBLICS - 1996-2000 - RESULTING IN AN ONGOING UNCONTROLLED SEIZURE DISORDER AND OTHER PHYSICAL, MENTAL, AND DEVELOPMENTAL DISABILITIES.
- b. PLAINTIFF WAS IMITERNED IN A SERBIAN CAMP WHERE FURTHER ABUSES, MALNUTRISHMENT, FORCED LABOR, NEGLECT AND OTHER DEHUMANIZATION, INCLUDING BUT NOT LIMITED TO TORTURE AND VIOLENCE, LEAVING THE PLAINTIFF AFFLICTED WITH SEVERE, "COMPLEX CHRONIC POST TRAUMATIC STRESS DISORDER" (P.T.S.D.), AMONG OTHER SUBSEQUENT DIAGNOSIS' AND MALADIES, PHYSICALLY AND MENTALLY, INCLUDING, WIDESPREAD NERVE DAMAGE, AN UNKNOWN EPIDERMAL DISORDER, CHRONIC OBSTRUCTIVE PULMONARY DISORDER, (C.O.P.D), AND SEVERAL OTHER MENTAL AND PHYSICAL HEALTH ISSUES.

APPENDIX B, COUNT I STATEMENT OF CLAIMS

1. SUPPORTING FACTS: (CONTINUED).

- c. PLAINTIFF SUBSIDES ON A FIXED INCOME, DUE TO HIS DISABILITIES, WHILE STRUGGLING WITH VOCATIONAL REHABILITATION, OF APPROX. \$772.00 MONTHLY. THUS IT WOULD CONSUME ALL OF PLAINTIFF'S INCOME FOR A PERIOD EXCEEDING 64 MONTHS (5YEARS, 4MONTHS), IN ORDER TO POST BAIL ON A NON-VIOLENT, NON-DRUG RELATED INCIDENT DIRECTLY RELATED TO PLAINTIFF'S PHYSICAL DISABILITIES AND MENTAL DEFICIENCIES.
- d. SINCE PLAINTIFF'S INCARCERATION HE HAS BEEN DENIED HIS ESSENTIAL MEDICATIONS AND MEDICAL EQUIPMENT NECESSARY FOR HIS SAFETY AND HE UNDULY SUFFERS, BOTH BY HAVING TO LIVE IN FEAR OF SERIOUS PHYSICAL INJURY, AND OTHER PAIN AND SUFFERING DUE TO HIS CONDITIONS- FULLY EXPLAINED IN COUNT II. HOWEVER, PLAINTIFF DOES NOT REQUEST THE NARCOTIC NOR ANXIETY MEDICATIONS WHICH PLAINTIFF NORALLY USES, AS PLAINTIFF REALIZES THAT THIS IS NOT CONDUSIVE OF A JAIL ENVIRONMENT, BUT ONLY THOSE ESSENTIAL MEDICATIONS AND EQUIPMENT TO ENSURE PLAINTIFF'S BASIC SAFETY..
- e. THESE CONDITIONS ARE COMPLETELY CONSEQUENTIAL OF PLAINTIFF'S EXCESSIVE AND OPPRESSIVE BAIL; AS PROPER MEDICAL CARE WOULD BE RENDERED WITHOUT THE IMPOSITION OF EXCESSIVE AND OPPRESSIVE BAIL AS PLAINTIFF COULD IMPLEMENT HIS NORMAL HEALTHCARE AND AT THE LEAST HIS ESSENTIAL MEDICATIONS/EQUIPMENT.

2. DEFENDANTS INVOLVED: All DEFENDANTS, LEWIS AND CLARK COUNTY BECAUSE IMPOSITION OF EXCESSIVE BAIL THUS RESULTING IN VIOLATIONS OF PLAINTIFF'S 8TH, 9TH AND 14TH AMENDMENT RIGHTS, AND BY NOT UPHOLDING ARTICLES IV AND VI; AND BY KNOWING FULLY THE PLAINTIFF'S SITUATION AND CONDITION AND THIER IMPOSITION THEREOF.

LEO DUTTON AND BENEFIS SPECTRUM MEDICAL BECAUSE THEY ADMINISTER THE JAIL'S MEDICAL POLICY AND PROCEDURE, WHICH ALLOW THESE VIOLATIONS TO OCCUR, AND DENY ESSENTIAL MEDICATIONS AND/OR EQUIPMENT. CONSIDERING THESE FACTS, ALL DEFENDANTS ARE DIRECTLY AND/OR INDIRECTLY RESPONSIBLE AND LIABLE.

APPENDIX B. COUNT II STATEMENT OF CLAIMS

COUNT II: 8TH AMENDMENT, "... NOR CRUEL AND UNUSUAL PUNISHMENTS INFILCTED.;"

* 9TH AMENDMENT, "THE ENUMERATION IN THE CONSTITUTION, OF CERTAIN RIGHTS, SHALL NOT BE CONSTRUED TO DENY OR DISPARAGE OTHERS RETAINED BY THE PEOPLE.;"

14TH AMENDMENT, SECTION 1., "... NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; "... NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS;" AND ARTICLE IV, SECTION 2., AND ARTICLE VI, PARAGRAPH 2.

1. SUPPORTING FACTS: SINCE 6 MAY 2013 THE LEWIS AND CLARK COUNTY JAIL, UNDER SHERIFF LEO DUTTON AND JAIL MEDICAL CONTRACTOR, BENEFIS SPECTRUM MEDICAL, INC., 2900 10TH AVE. S., GREAT FALLS, MONTANA 59405, THROUGH UNSOUND, NEGLEGENT PRACTICES, PROCEDURE, POLICY AND/OR ADMINISTRATION, AND BY AND THROUGH THIER "FORMULARY," BOTH DEFENDANTS HAVE GRIEVIOUSLY, AND UNDER MONTANA LAW, FELONIOUSLY, MISTREATED THE PLAINTIFF AS A PRISONER, (A FELONY), BY MEANS OF DENYING PLAINTIFF ESSENTIAL MEDICATIONS, AS PER SPECIALIST DOCTORS IN THEIR RESPECTIVE FIELDS, AND ESSENTIAL MEDICAL EQUIPMENT NEEDED BY THE PLAINTIFF IN ORDER FOR HIM TO BE REASONABLY FREE FROM SERIOUS BODILY INJURY AND/OR DEATH.

Q-ESSENTIAL MEDICATIONS ARE AS ANTI-CONVULSANTS. AS IS DETAILED IN COUNT I PLAINTIFF SUFFERS FROM A SERIOUS SEIZURE DISORDER SINCE A T.B.I. IN THE 1990'S AND IS REGULARILY HOSPITALIZED FOR THIS MALADY. IN ADDITION, PLAINTIFF USES 2 LITERS OF OXYGEN AND, PARTLY, FOR LACK OF THIS, HAS ALREADY SUFFERED A CONGESTIVE PULMINARY HEART FAILURE IN OCTOBER, 2012. PLAINTIFF SUFFERS FROM A STILL UNKNOWN EPIDERMAL DISEASE PROBABLY CAUSED BY MALNUTRITION AND/OR A PROLONGED OVEREXPOSURE TO MAN-MADE CHEMICALS WHILE HE WAS INTERNED IN SERBIA. THIS DISORDER IS VERY PAINFUL AND CAUSES UNCONTROLLABLE FITS OF ITCHING WHICH RESULT IN BLOODY SORES IF NOT TREATED WITH CERTIAN WELL-KNOWN ANTIHISTIMINES. FINALLY, PLAINTIFF SUFFERS MASSIVE, WIDESPREAD NERVE DAMAGE THAT IS TREATED BY MEDICATION. THIS MEDICATION IS AVAILABLE HERE, BUT ONLY TO PEOPLE WITH DIABETES. ALTHOUGH THEIR AFFLICTION AND THE PLAINTIFF'S ARE INDEED IDENTICAL- CHRONIC NEUROPATHY.

APPENDIX B.COUNT IISTATEMENT OF CLAIMS1. SUPPORTING FACTS: (CONTINUED)

b.- PLAINTIFF THUS LIVES IN CONSTANT FEAR, AS HE IS IN IMMINENT DANGER OF SERIOUS BODILY INJURY; JAIL, WITH ITS CONCRETE AND STEEL SURROUNDS, ETC., IS NOT A SAFE PLACE TO ENDURE UNCONTROLLED SEIZURE ACTIVITY, ESPECIALLY WITHOUT THE NECESSARY ANTI-CONVULSANT MEDICATIONS. IN ADDITION, PLAINTIFF'S SEIZURE DISORDER IS ONLY NORMALLY PARTIALLY UNDER CONTROL WITH A STRICTLY MONITORED MEDICATION REGIMENT CONSISTING OF THREE WIDELY USED ANTI-CONVULSANTS. PLAINTIFF RECEIVES ONE OF THESE, HOWEVER, ONE WITHOUT THE OTHER HAS PROVEN INEFFECTIVE IN THE PAST, AND HAD TAKEN) NEURO-SPECIALISTS SEVERAL YEARS, 2000-2003, TO BOTH IDENTIFY PROPER MEDS AND CORRECT DOSAGES; AND EVEN YET PLAINTIFF'S SEIZURES ARE ONLY PARTIALLY CONTROLLED. PLAINTIFF HAS ENDURED YEARS OF VERY LONG HOSPITALIZATIONS STRAPPED INTO WHEELCHAIRS AND RECLAGED TO CRASH-TYPE HELMETS AND SPORTS PADS TO CUSHION FALLS. STILL PLAINTIFF, IN THE LAST FIVE YEARS ALONE, HAS SUFFERED SEVERAL CRUSHED AND BROKEN BONES, 100's OF CUTS AND STITCHES, A MINIMUM THREE SURGERIES AND CLOSE TO ONE HUNDRED (PERHAPS OVER), HOSPITALIZATIONS DUE TO SEIZURE ACTIVITY.

PLAINTIFF CURRENTLY IS SUFFERING FROM SEIZURES, BUT HERE AT LEWIS & CLARK COUNTY JAIL DEFENDANTS' ANSWER IS TO PLACE ONE IN SEGREGATION WHERE THE HORROR OF PLAINTIFF'S C.P.T.S.D. QUICKLY TAKES OVER. PLAINTIFF INSISTS THIS IS A PUNISHMENT FOR A DISABILITY. PLAINTIFF IS AFRAID TO SLEEP DUE TO HIS INABILITY TO BREATHE PROPERLY WITHOUT OXYGEN, AND HIS C.O.P.D. PLAINTIFF HAS DAILY FITS OF UN-CONTROLLABLE ITCHING AND SUFFERS UNDULY. PLAINTIFF SUFFERS FROM HIS NEURO-DAMAGE - NEUROPATHY - 100% OF THE TIME, WHILE OTHERS WITH THE SAME AFFLICTION AND DIAGNOSIS RECEIVE THE SAME MEDICATION PLAINTIFF USES. THESE ARE ONLY BUT A FEW OF THE ISSUES; PLAINTIFF ALSO SUFFERS FROM SERIOUS CHRONIC MENTAL ISSUES, AND DEFICIENCY.

APPENDIX B.

COUNT II

STATEMENT OF CLAIMS

1. SUPPORTING FACTS: (CONTINUED)

C. AND ALTHOUGH MENTAL HEALTH MEDICATIONS ARE AVAILABLE THE DEFENDANTS PROCLIDE MOST AND REFUSE TO ALLOW THEIR CONTRACT PERSONNEL TO PRESCRIBE THEM BECAUSE THE DEFENDANTS OWN RESTRICTIONS. AND CERTAIN MEDICATIONS ARE ALLOWED BUT ONLY IF THEY ARE PRESCRIBED FROM THE OUTSIDE WHERE PLAINTIFF CANNOT SEE HIS DOCTOR IN ORDER TO PRESCRIBE THEM. ALTHOUGH ONE OF PLAINTIFF'S ANTI-CONVULSANTS IS COMPLETELY RESTRICTED. OTHERS, SUCH AS PLAINTIFF'S EPIDERMAL ANTIHISTIMINES, ARE ALLOWED IF AN OUTSIDE PHYSICIAN PRESCRIBES THEM, AND SOMEONE CAN BRING THEM TO THE JAIL IN PERSON. THIS IS ALL IN LUE OF THE FACT THAT PLAINTIFF MUST PAY 100% OF PRESCRIPTION COSTS AND DEFENDANTS CONTRACT PERSONNEL CANNOT BE ALLOWED TO PURCHASE THEM FROM INMATES' PARTICULAR PHARMACY USING PLAINTIFF'S HEALTH INSURANCE PLAN COSTING \$159 AS OPPOSED TO FULL PRICE AT DEFENDANTS. THUS MOST MEDICATIONS ARE UNAVAILABLE. FINALLY, OXYGEN IS ALLOWED BUT THERE IS NO POSSIBLE OUTLET TO OPERATE THE MACHINE FROM. AND IF PLAINTIFF WERE TO HAVE HIS OXYGEN HE WOULD BE KEPT IN SEGREGATION BEING TERRORIZED BY HIS MENTAL HEALTH SYMPTOMS AND COMPLEX P.T.S.D. WITH ISOLATION AS WELL AS PROCLUSION FROM ACTIVITIES, EG. DAYROOM, OUTSIDE REC., TELEVISION, ECC., AND THERE'S NO BATHROOM FACILITIES THE "HOLDING" CELL. PLAINTIFF ASSERTS PUNISHMENT FOR ILLNESS. NOTWITHSTANDING, EVIDENTLY, ACCORDING TO SOME EMPLOYEES, OXYGEN ISN'T POSSIBLE HERE.

2. DEFENDANTS INVOLVED: LEO DUTTON AND BENEFIS SPECTRUM MEDICAL, AND, BECAUSE OF FACTS OUTLINED IN COUNT I, LEWIS AND CLARK COUNTY, MONTANA.

DEFENDANTS DUTTON AND BENEFIS, ARE IN BREACH BECAUSE THEY ADMINISTRATE THE MEDICAL DEPARTMENT AND ONE OR THE OTHER OR BOTH HAVE CREATED THESE NEGLEGET, ENDANGERING PRACTICES. PLAINTIFF IS IN FEAR FOR HIS LIFE, AND SUFFERS DUE TO THESE PRACTICES DAILY.

APPENDIX B.COUNT IIISTATEMENT OF CLAIMS

COUNT III : 1ST AMENDMENT, "... TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES.";
5TH AMENDMENT, "... NOR BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW";
6TH AMENDMENT, PLAINTIFF ASSERTS THAT A DENIAL OF PROPER AND AVAILABLE MATERIALS OR LAW LIBRARY VIOLATES HIS RIGHT TO ASSIST IN HIS DEFENSE;
9TH AMENDMENT, "... CONSTRUED TO DENY OR DISPARAGE...";
14TH AMENDMENT, SECTION 1., DUE PROCESS AND EQUAL PROTECTION; AND EQUAL PROTECTION UNDER ARTICLE IV, SECTION 2.; AND ARTICLE VI, PARAGRAPH 2.

1. SUPPORTING FACTS: LEO DUTTON, SHERIFF OF LEWIS AND CLARK COUNTY, THUS ADMINISTRATOR OF THE COUNTY JAIL THEREOF HAS VIOLATED THE AFORE MENTIONED CONSTITUTIONAL RIGHTS OF PLAINTIFF BY KNOWINGLY REFUSING ANY ACCESS TO LAW MATERIALS OR MAINTAINING ANY PROGRAM FOR PLAINTIFF TO ASSIST IN HIS OWN DEFENSE. FURTHERMORE, DEFENDANT SUBSEQUENTLY AS CONSEQUENCE HAS ALSO VIOLATED THE 1ST AMENDMENT BY HIS INACTION AND/OR NEGLIGENCE AS THE PLAINTIFF CANNOT, WITHOUT ACCESS TO THESE SAME LAW MATERIALS, EVEN PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES; AND THE 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS, AS WELL AS THE 14TH AMENDMENT'S EQUAL PROTECTION PROVISION AND EQUAL PROTECTION AS OUTLINED IN ARTICLE IV, SECTION 2., AS WELL AS THE 6TH AMENDMENT BY AND THROUGH THE SAME MEANS AND BY DENYING PLAINTIFF THE RIGHT TO ASSIST IN HIS DEFENSE. THUS THE ABRIDGEMENT OF PLAINTIFF'S RIGHTS AS PLAINLY ORDAINED WITHIN THE 9TH AMENDMENT IS QUITE CLEAR. FINALLY, DEFENDANTS, AS WELL AS THE RIGHTS ALSO DENOTED IN THOSE COUNTS BY THOSE DEFENDANTS, THIS OCCURRED FROM MAY - PRESENT OF 2013.

2. DEFENDANTS INVOLVED: LEO DUTTON HAS VIOLATED THE PLAINTIFF'S CONSTITUTIONAL RIGHTS THROUGH MISADMINISTRATION AND/OR MISMANAGEMENT, ANTIQUATED AND/OR SUBSTANDARD POLICIES AND PROCEDURES AND OR NEGLIGENCE. DEFENDANT IS JAIL ADMINISTRATOR.

- PLAINTIFF

Goldsmit

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VI. INJURY

Describe the injuries you suffered as a result of each individual defendant's actions. (Do not cite legal arguments, cases, or statutes).

SEE APPENDIX C: ATTACHED, "VI INJURY."

(NOTE: If more space is needed to furnish the above information, continue on a blank sheet labeled "APPENDIX C: INJURY").

VII. REQUEST FOR RELIEF

Describe the relief you request. (Do not cite legal arguments, cases, or statutes).

*SEE APPENDIX D: "VII. REQUEST FOR RELIEF"
ATTACHED.

(NOTE: If more space is needed to furnish the above information, continue on a blank sheet labeled "APPENDIX D: REQUEST FOR RELIEF").

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VI. INJURYA. LEWIS AND CLARK COUNTY, MONTANA. DEFENDANT.

I. PLAINTIFF IS IN IMMINENT DANGER OF SERIOUS BODILY INJURY DUE TO THE FACT THAT AN EXCESSIVE BAIL HAS BEEN REQUIRED WHICH RESULTS IN CRUEL AND UNUSUAL PUNISHMENTS BEING INFILCTED BY WAY OF MEDICAL NEGLEGENCE THROUGH THE LEWIS AND CLARK COUNTY JAIL, i.e., SHERIFF LEO DUTTON AND BENEFIS SPECTRUM MEDICAL. PLAINTIFF ENDURES UNDER EXTREME CONDITIONS AS OUTLINED IN COUNTS I, II AND III OF THIS COMPLAINT: UNCONTROLLED SEIZURE ACTIVITY RESULTING IN UNDO PAIN AND SUFFERING PHYSICALLY, MENTALLY, AND EMOTIONALLY; PLAINTIFF ENDURES THE SAME FROM HIS EPIDERMAL CONDITION; AND AGAIN THE SAME FROM HIS RESPIRATORY CONDITION; AND AGAIN FROM HIS NEUROPATHY AND OTHER NERVE DAMAGE; AND FINALLY MENTAL AND EMOTIONAL PAIN AND SUFFERING DUE TO COMPLEX P.T.S.D. AND OTHER RELATED MENTAL ILLNESSES AND DEFICIENCIES.

II. THUS IN SUMMARY, PLAINTIFF IS INJURED THROUGH THE ABRIDGEMENT OF HIS 8TH, 9TH, 14TH AMENDMENT RIGHTS AS WELL AS THE PROVISIONS OUTLINED IN ARTICLE IV, SECTION 2, AND ARTICLE VI, PARAGRAPHS 2 AND 3, WHICH IN THESE DEFENDANT LEWIS AND CLARK COUNTY ARE CONSTITUTIONALLY AND LAWFULLY BOUND TO UPHOLD AND PROTECT AND DEFEND. AND IN THIS, AND THROUGH THEIR KNOWLEDGE OF PLAINTIFF'S CONDITIONS LEWIS AND CLARK COUNTY HAS WILLFULLY KNOWINGLY AND PURPOSELY FAILED; AND FAILED TO PROTECT THE PLAINTIFF, AN UNTRIED PRISONER, BOTH CONSTITUTIONALLY AND FROM BODILY INJURY, AND EMOTIONAL AND PHYSICAL PAIN AND SUFFERING.

B. LEO DUTTON AND BENEFIS SPECTRUM MEDICAL. DEFENDANTS.

I. PLAINTIFF IS IN IMMINENT DANGER OF SERIOUS BODILY INJURY AND/OR DEATH DUE TO THE DEFENDANT'S NEGLEGENCE, AND/OR UNSOUND POLICIES, AGREEMENTS, CONTRACTS, PROCEDURES, ETC., THAT DICTATE THE MEDICAL PRACTICES OF THE LEWIS AND CLARK COUNTY JAIL (DETENTION CENTER), AND BY THE REASONS PLAINLY AND ROUTINELY OUTLINED WITHIN THIS COMPLAINT. THE PLAINTIFF SUFFERS 100% OF HIS TIME DUE TO THESE QUESTIONABLE, UNSOUND AND NEGLEGENT PRACTICES, WHICH, HAVE "NO ROOM" FOR VARIATION AND/OR INDIVIDUAL TREATMENTS OR EXCEPTION RESULTING IN THE FOLLOWING:

VI INJURY

B. LEO DUTTON AND BENEFIS SPECTRUM MEDICAL. DEFENDANTS.

I. (CONTINUED)

PLAINTIFF IS FORCED TO EXIST UNDER EXTREME CONDITIONS WHICH PLACE HIM IN HARM'S WAY CONTINUALLY AND THE PLAINTIFF LIVES IN CONSTANT FEAR OF SERIOUS BODILY INJURY, AND SUFFERS PAIN THROUGH SEIZURES FROM HIS FALLS. IT IS ONLY A MATTER OF TIME BEFORE PLAINTIFF RECEIVES A SERIOUS INJURY DUE TO HIS SEIZURE ACTIVITY. THIS IS A FACT. AND JAIL DRAMATICALLY INCREASES THIS FACT, ESPECIALLY WHEN THE PLAINTIFF IS DENIED ESSENTIAL ANTI-CONVULSANT MEDICATIONS.

II. AS DETAILED IN COUNTS I AND II, PLAINTIFF HAS A LONG HISTORY OF SEIZURES AND LOCATING THE APPROPRIATE MEDICATIONS AS WELL AS THE CORRECT DOSAGES WHICH WAS DONE BY NEURO-SPECIALISTS WHILE THE PLAINTIFF REMAINED HOSPITALIZED FOR EXTENDED PERIODS OF TIME, BOTH IN MEDICAL CENTERS AND CONVELESCENT HOSPITALS SINCE 2000.

III. THE FEAR IN WHICH THE PLAINTIFF NOW LIVES, AS WELL AS HIS PAIN AND SUFFERING, IS NOT QUITE REMOVED FROM HIS TERROR WHEN HELD PRISONER OF A DESPOTIC REGIME WHILE INTERNED IN THE FORMER YUGOSLAVIAN REPUBLICS. IN FACT, THE THREAT OF SERIOUS INJURY IS JUST AS PREVLENT, IT'S ONLY A MATTER OF TIME; AND YET NON-SERIOUS INJURY IS ENDURED QUITE FREQUENTLY, AND EMOTIONAL/MENTAL SUFFERING IS A CONSTANT FACTOR. IN ADDITION, PLAINTIFF ENDURES NEARLY EQUAL PAIN AND SUFFERING DUE TO HIS RESPIRATORY PROBLEMS, ESPECIALLY WITHOUT HIS ESSENTIAL OXYGEN EQUIPMENT. PLAINTIFF HAS BEEN "WATER-BOARDED" AND THE SAME ASPHYXIATIC HORROR OCCURS IN THE NIGHT WHEN ONE CANNOT GET ENOUGH OXYGEN. THIS IS SUFFERING AND INJURY, AND, AS PREVIOUSLY STATED, PLAINTIFF SUFFERED A NEAR FATAL CONGESTIVE PULMINARY HEART FAILURE IN OCTOBER, 2012 DUE TO THIS AFFICTION.

IV. FINALLY, THERE ARE THE NERVE DAMAGE AND NEUROPATHY, THE CHRONIC EPIDERMAL OUTBREAKS, AND THE UNTREATED MENTAL HEALTH ISSUES RELATED TO THE SEVERE CHRONIC POST TRAUMATIC STRESS DISORDER. a. NORMALLY, AS MOST OF THE NERVE DAMAGE WAS CAUSED BY SHRAPNEL PIECES LODGED NEAR NERVE CENTERS, PLAINTIFF USES A PAIN

APPENDIX C. CONTINUED FROM PAGE 7-B OF 8

VI. INJURY

B. LEO DUTTON AND BENEFIS SPECTRUM MEDICAL DEFENDANTS.

VI. (CONTINUED)

MANAGEMENT SPECIALIST, UTILIZING BOTH NARCOTIC PAIN KILLERS AND NEUROSPECIFIC MEDICATIONS SUCH AS NEURONTIN (GABAPETIN), PLAINTIFF UNDERSTANDS HIS SURROUNDINGS AND REALIZES JAIL IS NOT A PLACE USUALLY WHERE OPIOIDS ARE WELCOME. AND EVEN THOUGH PLAINTIFF HAS THESE AT HOME AND AT TIMES TRULY NEEDS THEM HE HAS NOT WORRIED STAFF NOR ASKED FOR THEM HERE. NONETHELESS, OTHER NEUROSPECIFIC MEDICATIONS ARE INDEED ALLOWED, BUT ONE MUST HAVE DIABETES, SO PLAINTIFF IS INFORMED, TO BE ALLOWED THEM. EVEN THOUGH THE MALADY IS NEUROPATHY AND ITS EXTREMELY PAINFUL EFFECTS ON THE AFFECTED PARTS OF THE BODY ARE THE SAME. THE PLAINTIFF DOES NOT HAVE DIABETES, BUT HE DOES INDEED HAVE THE SAME NEUROPATHY. HOWEVER, BECAUSE, AS ALL OTHER AGRE MENTIONED PROCEDURE, ETC., BY DEFENDANTS, PLAINTIFF IS DENIED THESE SIMPLE NON-ADDICTIVE, BUT SPECIALIZED MEDICATIONS, AND THEREFORE SURELY SUFFERS WHILE OTHER INMATES WITH THE SAME AFFLICITION DO NOT.

b. THE EPIDERMAL DISEASE IS EASILY TREATED WITH THE USE OF VISTERIL, A WIDELY USED ANTI-ITCHING ANTIHISTIMINE. THIS MEDICATION IS ALLOWED BUT ONLY IF, AGAIN, BROUGHT IN AND PRESCRIBED FROM THE OUTSIDE. SINCE PLAINTIFF CANNOT SEE HIS OUTSIDE PHYSICIANS HE IS FORCED TO RELY ON THE DEFENDANTS WHO WILL NOT PRESCRIBE THIS SIMPLE NON-ADDICTIVE MEDICATION.

* KEEPING IN MIND, PLAINTIFF MUST PAY 100% OF ALL PRESCRIPTIONS (AS THE DEFENDANTS DENY HIM THE USE OF HIS INSURANCE), SO COST TO DEFENDANTS CANNOT BE AN ISSUE. OTHER ANTIHISTIMINES ARE NOT EFFECTIVE AND PLAINTIFF SUFFERS FROM BOUTS OF INCONTROLLABLE ITCHING, HIVES, BROKEN CAPILLARIES AND BLEEDING SORES.

c. THE PLAINTIFF'S MENTAL HEALTH ISSUES HAVE BEEN GETTING WORSE WITH TIME. ALL OF PLAINTIFF'S MENTAL HEALTH ISSUES ARE THE RESULT OF BOTH GRAVE PHYSICAL AND EMOTIONAL TRAUMA. HOWEVER, THE TRAUMA RELATED TO THE GUARANTEED COMPREHENSION THAT BODILY INJURY IS IMMINENT DOES NOT CHANGE THE FACT THAT IT IS FURTHER TRAUMATIZATION. THE PLAINTIFF SUFFERS FROM P.T.S.D. RELATED MAJOR DEPRESSION, A DUAL DELUSIONAL DISORDER, LOSS OF SPACIAL

APPENDIX C. CONTINUED FROM PAGE 7-C OF 8

VI. INJURY

B. LEO DUTTON AND BENEFITS MEDICAL DEFENDANTS.

VI, (CONTINUED)

ORIENTATION (i.e., FLASHBACKS AND HALUCINATIONS WITH LOSS OF PERIODS OF TIME AKA BLACKOUTS), INDUCED BUT MILD BI-POLAR AND AN ORIGINAL DIAGNOSIS, AT THE TIME OF HIS PENATRATIVE T.B.I., FULLY FOCAL RETROGRADE AMNESIA. NONETHELESS, EVEN AT THE REQUEST OF THE VETERANS' ADMINISTRATION (V.A.) AND THE LOCAL CENTER FOR MENTAL HEALTH TO SEE ONE OF THEIR PSYCHIATRISTS SO TO OBTAIN MENTAL HEALTH MEDICATIONS, THE DEFENDANTS REFUSE. ALTHOUGH THE DEFENDANTS TELL PLAINTIFF IN WRITING "OUR PROVIDER CAN PRESCRIBE MENTAL HEALTH MEDS," AND DEFENDANTS HAVE PLAINTIFF'S V.A. MENTAL HEALTH (AS WELL AS REGULAR MEDICAL RECORDS), WHICH SHOWS HIS MEDICATIONS AS WELL AS DIAGNOSIS, DEFENDANTS REFUSE PLAINTIFF'S MENTAL HEALTH MEDICATIONS. FINALLY, THE USE OF ISOLATION/SEGREGATION LIKE A TOOL OF COERCION AGAINST PLAINTIFF'S HISTORY OF TRAUMA IN ORDER TO CONTINUE MEDICAL/MENTAL HEALTH AUTHORITY, IS A SHAME. JUST AS THE SAME USE FOR "SEIZURE CONTROL" IS A SHAME. PERHAPS SOME HAVE USED DIFFERENT FAUX ILLNESSES IN THE PAST AS MANIPULATORY EVERONE DOES NOT, AND THIS PLAINTIFF CERTAINLY DOES NOT. NEVERTHELESS, THAT IS NO JUSTIFICATION TO DENY MEDICATIONS AND/OR TREATMENT, ESPECIALLY WHEN IT IS NO COST TO THE DEFENDANTS AS PLAINTIFF, BY AND THROUGH DEFENDANT'S OWN POLICIES, IS RESPONSIBLE AND PAYS 100%.

d. IN SUMMARY, PLAINTIFF IS BEING INJURED THROUGH THE ABRIDGEMENT OF HIS 8TH, 9TH, AND 14TH AMENDMENT RIGHTS AND CONSTITUTIONAL PROVISIONS DETAILED IN ARTICLE IV, SECTION 2, AND ARTICLE VI, PARAGRAPH 2., WHICH BOTH DEFENDANTS ARE PARTY, AS THIS FACT IS DEMONSTRATED THROUGHOUT THE BODY OF THIS COMPLAINT. AND INJURED PHYSICALLY, EMOTIONALLY AND MENTALLY AS ALSO DEMONSTRATED IN THIS COMPLAINT.

C. LEO DUTTON. DEFENDANT.

PLAINTIFF IS INJURED THROUGH THE ABRIDGEMENT OF HIS 1ST, 5TH, 6TH, 9TH, AND 14TH AMENDMENT RIGHTS AS WELL AS ARTICLE IV, SECTION 2 AND ARTICLE VI, PARAGRAPH 2 OF THE UNITED STATES CONSTITUTION. PLAINTIFF IS IN FEAR OF INJUSTICE BASED ON THESE VIOLATIONS THROUGH THE LOCAL COURT AND HAS NO POSSIBLE WAY IN ORDER TO ASSIST IN HIS OWN DEFENSE, AND COULD POSSIBLY GO TO PRISON FOR HIS ALLEGED TRANSGRESSIONS BECAUSE OF DEFENDANT'S VIOLATIONS.

PLAINTIFF

Goldsmit

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APPENDIX D.

REQUEST FOR RELIEF

1. DEFENDANT LEWIS AND CLARK COUNTY, MONTANA.

PLAINTIFF REQUESTS, IMMEDIATE INJUNCTORY RELIEF IN REGARDS TO THE 8TH AMENDMENT, AS THE PLAINTIFF REMAINS IN IMMINENT DANGER OF SERIOUS BODILY (PHYSICAL) INJURY.

IN ADDITION, PLAINTIFF PRAYS FOR THE MAXIMUM ALLOWABLE AWARD FOR DAMAGES BOTH PUNITIVELY AND COMPENSATORY FOR ALL VIOLATIONS; OR \$500,000.00 AMERICAN DOLLARS.

2. DEFENDANTS LEO DUTTON AND BENEFIS SPECTRUM MEDICAL.

PLAINTIFF REQUESTS IMMEDIATE INJUNCTORY RELIEF IN REGARD TO THE 8TH AND 14TH AMENDMENT, AS THE PLAINTIFF REMAINS IN IMMINENT DANGER OF SERIOUS BODILY (PHYSICAL) INJURY.

IN ADDITION, PLAINTIFF PRAYS FOR THE MAXIMUM ALLOWABLE AWARD FOR ALL DAMAGES BOTH PUNITIVELY AND COMPENSATORY FOR ALL VIOLATIONS; OR \$500,000.00 AMERICAN DOLLARS FROM EACH DEFENDANT. TOTAL EQUALING, FROM DUTTON AND BENEFIS, \$1,000,000.00 AMERICAN DOLLARS. AND INQUIRY INTO THE STATE FELONY - MISTREATMENT OF PRISONERS.

3. DEFENDANT LEO DUTTON.

PLAINTIFF PRAYS FOR THE MAXIMUM ALLOWABLE AWARD FOR PUNITIVE DAMAGES; OR \$250,000.00 AMERICAN DOLLARS, AND FOR THE CREATION AND CONTINUED UPKEEP OF AN UPDATED, VIABLE LAW LIBRARY AND/OR PROGRAM(S) AT THE LEWIS AND CLARK COUNTY JAIL (DETENTION CENTER), TO PREVENT FUTURE VIOLATIONS.

THE PLAINTIFF HUMBLY BEGS THE COURT'S LENIENCY AS HE IS NOT TRAINED NOR PROPERLY EDUCATED IN THE LAW. NOR HAS HE THE ACCESS TO THE NEEDED LEGAL MATERIALS IN ORDER TO EFFECTIVELY PETITION THE GOVERNMENT FOR A REDRESS OF HIS GRIEVANCES. THUS THIS MUST BE ACCOMPLISHED WITH A COPY OF THE U.S. CONSTITUTION FOUND INSIDE A NOVEL, WRITTEN BY AUTHOR JOHN JAKES, HERE AT THE JAIL. PLAINTIFF ALSO WISHES TO APPRAISE THIS COURT OF THE EXEMPLARY TREATMENT BY ALL OTHER COUNTY STAFF AND EMPLOYEES; EXCEPT THE AFORE NAMED AND MENTIONED DEFENDANTS.

Respectfully,

Without Prejudice, U.C.C. 1-207 - 

PLAINTIFF Goldsmith PAGE 7-E OF 8

PRO/SC

VIII. PLAINTIFF'S DECLARATION

A. I understand I must keep the Court informed of my current mailing address and my failure to do so may result in dismissal of this Complaint without notice to me.

B. I understand the Federal Rules of Civil Procedure prohibit litigants filing civil complaints from using certain information in documents submitted to the Court. In order to comply with these rules, I understand that:

- social security numbers, taxpayer identification numbers, and financial account numbers must include only the last four digits (e.g. xxx-xx-5271, xx-xxx5271, xxxxxxxx3567);
- birth dates must include the year of birth only (e.g. xx/xx/2001); and
- names of persons under the age of 18 must include initials only (e.g. L.K.).

If my documents (including exhibits) contain any of the above listed information, I understand it is my responsibility to black that information out before sending those documents to the Court.

I understand I am responsible for protecting the privacy of this information.

C. I understand the submission of a false statement or answer to any question in this complaint may subject me to penalties for perjury. I declare under penalty of perjury that I am the Plaintiff in this action, I have read this complaint, and the information I set forth herein is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

D. (Prisoners Only) This Complaint was deposited in the prison system for legal mail, postage prepaid or paid by the prison, on

Lewis & Clark County
Executed at JAIL, MONTANA on 30 AUGUST, 2013.
(Location) (Date)

* *Notice: Signed with explicit reservation of all my available rights without
prejudice to any of those rights (U.C.C. 1-207).*

*Dawn De Goldsmith, sc. 15 - Please,
Signature of Plaintiff # without Prejudice, U.C.C. 1-207*

Plaintiff's Last Name Goldsmith

Complaint (Revised May 2013)
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